

Exhibit 1

[Proposed] Answer to
Complaint

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DNC Services Corporation/Democratic National
Committee, DCCC, and Nevada State
Democratic Party*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONALD J. TRUMP FOR PRESIDENT,
INC., REPUBLICAN NATIONAL
COMMITTEE, and NEVADA REPUBLICAN
PARTY,

Plaintiffs,

v.

BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,

Case No.: 2:20-cv-01445-JCM-VCF

**[PROPOSED] ANSWER TO
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 Defendant,
2 and
3 DNC SERVICES
4 CORPORATION/DEMOCRATIC
5 NATIONAL COMMITTEE, DCCC, and
6 NEVADA STATE DEMOCRATIC PARTY,
7
8 Proposed
9 Intervenor-
10 Defendants.

11 Proposed Intervenor-Defendants DNC Services Corporation/Democratic National
12 Committee, DCCC, and Nevada State Democratic Party (“Proposed Intervenor”), by and
13 through their attorneys, submit the following Answer to Plaintiffs’ Complaint for Declaratory
14 and Injunctive Relief (“Complaint”). Proposed Intervenor respond to the allegations in the
15 Complaint as follows:

16 **INTRODUCTION**

17 1. Proposed Intervenor agree that every eligible voter should be able to vote freely.
18 Paragraph 1 also contains mere characterizations, legal contentions, and conclusions to which no
19 response is required. To the extent a response is required, Proposed Intervenor deny the
20 allegations.

21 2. Proposed Intervenor admit that Assembly Bill 4 was introduced on July 31,
22 2020. The remaining allegations in Paragraph 2 are mere characterizations, legal contentions,
23 and conclusions to which no response is required. To the extent a response is required, Proposed
24 Intervenor deny the allegations.

25 3. Paragraph 3 contains mere characterizations, legal contentions, and conclusions to
26 which no response is required.

27 4. Paragraph 4 contains mere characterizations, legal contentions, and conclusions to
28 which no response is required. To the extent a response is required, Proposed Intervenor deny
the allegations.

1 information or knowledge with which to form a belief as to the truth or falsity of the allegations
2 contained in Paragraph 15.

3 16. Paragraph 16 contains mere characterizations, legal contentions, and conclusions
4 to which no response is required. To the extent a response is required, Proposed Intervenor deny
5 the allegations.

6 17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions
7 to which no response is required. To the extent a response is required, Proposed Intervenor deny
8 the allegations.

9 18. Proposed Intervenor admit that Plaintiff Nevada Republican Party is a political
10 party in Nevada with its principal place of business at 2810 West Charleston Blvd. #69, Las
11 Vegas, Nevada 89102. Proposed Intervenor further admit that the quoted language in Paragraph
12 18 appears in the Bylaws of the Nevada Republican Central Committee. Plaintiffs are without
13 sufficient information or knowledge with which to form a belief as to the truth or falsity of the
14 remaining allegations in Paragraph 18.

15 19. Proposed Intervenor are without sufficient information or knowledge with which
16 to form a belief as to the truth or falsity of the allegations contained in Paragraph 19.

17 20. Paragraph 20 contains mere characterizations, legal contentions, and conclusions
18 to which no response is required.

19 21. Proposed Intervenor admit the allegations in Paragraph 21.

20 **BACKGROUND**

21 22. Paragraph 22 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required.

23 23. Paragraph 23 contains mere characterizations, legal contentions, and conclusions
24 to which no response is required.

25 24. Paragraph 24 contains mere characterizations, legal contentions, and conclusions
26 to which no response is required.

27 25. Paragraph 25 contains mere characterizations, legal contentions, and conclusions
28

1 to which no response is required.

2 26. Paragraph 26 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required.

4 27. Paragraph 27 contains mere characterizations, legal contentions, and conclusions
5 to which no response is required.

6 28. Paragraph 28 contains mere characterizations, legal contentions, and conclusions
7 to which no response is required.

8 29. Paragraph 29 contains mere characterizations, legal contentions, and conclusions
9 to which no response is required.

10 30. Paragraph 30 contains mere characterizations, legal contentions, and conclusions
11 to which no response is required.

12 31. Paragraph 31 contains mere characterizations, legal contentions, and conclusions
13 to which no response is required.

14 32. Paragraph 32 contains mere characterizations, legal contentions, and conclusions
15 to which no response is required.

16 33. Paragraph 33 contains mere characterizations, legal contentions, and conclusions
17 to which no response is required.

18 34. Paragraph 34 contains mere characterizations, legal contentions, and conclusions
19 to which no response is required. To the extent a response is required, Proposed Intervenor deny
20 the allegations.

21 35. Paragraph 35 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required.

23 36. Paragraph 36 contains mere characterizations, legal contentions, and conclusions
24 to which no response is required.

25 37. Paragraph 37 contains mere characterizations, legal contentions, and conclusions
26 to which no response is required.

27 38. Paragraph 38 contains mere characterizations, legal contentions, and conclusions
28

1 to which no response is required.

2 39. Paragraph 39 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required.

4 40. Paragraph 40 contains mere characterizations, legal contentions, and conclusions
5 to which no response is required.

6 41. Proposed Intervenor's admit that approximately 9 out of every 10 ballots were cast
7 in person in the 2016 and 2018 election cycles. The remaining allegations in Paragraph 41 are
8 mere characterizations, legal contentions, and conclusions to which no response is required.

9 42. Proposed Intervenor's admit that the figures in Paragraph 42 were published by the
10 Secretary's office.

11 43. Proposed Intervenor's admit that the figures in Paragraph 43 were published by the
12 Secretary's office.

13 44. Proposed Intervenor's admit that the figures in Paragraph 44 were published by the
14 Secretary's office.

15 45. Proposed Intervenor's admit that the figures in Paragraph 45 were published by the
16 Secretary's office.

17 46. Proposed Intervenor's admit the allegations in Paragraph 46.

18 47. Proposed Intervenor's admit that DNC Services Corporation/Democratic National
19 Committee, DCCC, Nevada State Democratic Party, Priorities USA, and four individual
20 Nevadans filed a complaint in Nevada state court listing the Secretary, the Clark County
21 Registrar of Voters, the Washoe County Registrar of Voters, the Elko County Clerk, and the
22 Nevada Attorney General as defendants. Proposed Intervenor's further admit that the lawsuit
23 sought to increase in-person voting opportunities and that the Republican National Committee
24 and the Nevada Republican Party intervened in the case. The remaining allegations in Paragraph
25 47 are mere characterizations, legal contentions, and conclusions to which no response is
26 required.

27 48. Proposed Intervenor's admit the allegations in Paragraph 48.

1 49. Proposed Intervenors admit that the Clark County Registrar stated in a court filing
2 that “[a]t the direction of local county officials,” his office “is setting up two additional election
3 day voting sites and will mail absent ballots to all registered voters, including inactive voters.”
4 Proposed Intervenors are without sufficient information or knowledge with which to form a
5 belief as to the truth or falsity of the remaining allegations in Paragraph 49.

6 50. Proposed Intervenors admit that after receiving notice of Clark County’s
7 concessions, the *Corona* plaintiffs withdrew their motion for preliminary injunction. Proposed
8 Intervenors are without sufficient information or knowledge with which to form a belief as to the
9 truth or falsity of the remaining allegations in Paragraph 50.

10 51. Proposed Intervenors admit that the language quoted appeared in an article
11 published in the *Las Vegas Review-Journal*. The remaining allegations in Paragraph 51 are mere
12 characterizations, legal contentions, and conclusions to which no response is required. To the
13 extent a response is required, Proposed Intervenors deny the remaining allegations.

14 52. Proposed Intervenors admit that the language quoted appeared in an article
15 published in the *Las Vegas Review-Journal*, but Proposed Intervenors are without sufficient
16 information or knowledge with which to form a belief as to the truth or falsity of the allegations
17 in Paragraph 52.

18 53. Proposed Intervenors admit that the language quoted appeared in an article
19 published in the *Las Vegas Review-Journal*, but Proposed Intervenors are without sufficient
20 information or knowledge with which to form a belief as to the truth or falsity of the allegations
21 in Paragraph 53.

22 54. Proposed Intervenors are without sufficient information or knowledge with which
23 to form a belief as to the truth or falsity of the allegations in Paragraph 54.

24 55. Proposed Intervenors admit that the language quoted appeared in an article
25 published in the *Las Vegas Review-Journal*, but Proposed Intervenors are without sufficient
26 information or knowledge with which to form a belief as to the truth or falsity of the allegations
27 in Paragraph 55.

1 56. Paragraph 56 contains mere characterizations, legal contentions, and conclusions
2 to which no response is required. To the extent a response is required, Proposed Intervenor deny
3 the allegations.

4 57. Proposed Intervenor admit that the language quoted appeared in an article
5 published by InsiderNJ, but Proposed Intervenor are without sufficient information or
6 knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph
7 57.

8 58. Proposed Intervenor are without sufficient information or knowledge with which
9 to form a belief as to the truth or falsity of the allegations in Paragraph 58.

10 59. Proposed Intervenor are without sufficient information or knowledge with which
11 to form a belief as to the truth or falsity of the remaining allegations in Paragraph 59.

12 60. Proposed Intervenor are without sufficient information or knowledge with which
13 to form a belief as to the truth or falsity of the remaining allegations in Paragraph 60.

14 61. Proposed Intervenor admit that the language quoted appeared in an article
15 published by InsiderNJ, but Proposed Intervenor are without sufficient information or
16 knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph
17 61.

18 62. Proposed Intervenor admit that the language quoted in Paragraph 62 appeared in
19 articles published in the *Patterson Press* and InsiderNJ, but Proposed Intervenor are without
20 sufficient information or knowledge with which to form a belief as to the truth or falsity of the
21 allegations in Paragraph 62.

22 63. Proposed Intervenor admit that the language quoted appeared in the report of the
23 Commission on Federal Election Reform, Michael T. Morley's *Election Emergency Redlines*
24 ("*Redlines*"), and the Seventh Circuit's opinion in *Griffin v. Roupas*. Paragraph 63 otherwise
25 contains mere characterizations, legal contentions, and conclusions to which no response is
26 required. To the extent a response is required, Proposed Intervenor deny the allegations.

27 64. Proposed Intervenor admit that the language quoted in the first seven sentences
28

1 appeared in the report of the Commission on Federal Election Reform. Paragraph 64 otherwise
2 contains mere characterizations, legal contentions, and conclusions to which no response is
3 required. To the extent a response is required, Proposed Intervenor deny the allegations.

4 65. Proposed Intervenor admit that the language quoted appeared in *Redlines*.
5 Paragraph 65 otherwise contains mere characterizations, legal contentions, and conclusions to
6 which no response is required. To the extent a response is required, Proposed Intervenor deny
7 the allegations.

8 66. Proposed Intervenor admit that the language quoted appeared in a 2012 study by
9 the Pew Center on the States, but Proposed Intervenor are without sufficient information or
10 knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph
11 66.

12 67. Proposed Intervenor admit that the language quoted appeared in a 2010 study by
13 the Caltech/MIT Voting Technology Project, but Proposed Intervenor are without sufficient
14 information or knowledge with which to form a belief as to the truth or falsity of the allegations
15 in Paragraph 67.

16 68. Paragraph 68 contains mere characterizations, legal contentions, and conclusions
17 to which no response is required. To the extent a response is required, Proposed Intervenor deny
18 the allegations.

19 69. Proposed Intervenor admit that after Nevada's June 2020 primary election,
20 Plaintiffs in *Corona v. Cegavske* amended their complaint. Proposed Intervenor further admit
21 that trial was scheduled to begin on Monday, August 17, 2020. The remaining allegations in
22 Paragraph 69 are mere characterizations, legal contentions, and conclusions to which no response
23 is required. To the extent a response is required, Proposed Intervenor deny the allegations.

24 70. Proposed Intervenor admit the allegations in Paragraph 70.

25 71. Proposed Intervenor admit the allegations in Paragraph 71.

26 72. Proposed Intervenor admit that Assembly Bill 4 was introduced in the afternoon
27 on July 31, 2020. Proposed Intervenor further admit that Assembly Bill 4 is 64 pages single-
28

1 spaced. The remaining allegations in Paragraph 72 are mere characterizations, legal contentions,
2 and conclusions to which no response is required.

3 73. Proposed Intervenorors admit the allegations in Paragraph 73.

4 74. Proposed Intervenorors admit the allegations in Paragraph 74.

5 75. Proposed Intervenorors admit that Assembly Bill 4 has 88 sections. The remaining
6 allegations in Paragraph 75 are mere characterizations, legal contentions, and conclusions to
7 which no response is required.

8 76. Proposed Intervenorors admit that the Secretary published an op-ed in the *Nevada*
9 *Independent* titled “Nevada’s voting laws do not need to be changed.” The remaining allegations
10 in Paragraph 76 are mere characterizations, legal contentions, and conclusions to which no
11 response is required. To the extent a response is required, Proposed Intervenorors deny the
12 allegations.

13 77. Paragraph 77 contains mere characterizations, legal contentions, and conclusions
14 to which no response is required. To the extent a response is required, Proposed Intervenorors deny
15 the allegations.

16 78. Paragraph 78 contains mere characterizations, legal contentions, and conclusions
17 to which no response is required. To the extent a response is required, Proposed Intervenorors deny
18 the allegations.

19 79. Paragraph 79 contains mere characterizations, legal contentions, and conclusions
20 to which no response is required.

21 80. Paragraph 80 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required. To the extent a response is required, Proposed Intervenorors deny
23 the allegations.

24 81. Proposed Intervenorors deny the allegations in Paragraph 81.

25 82. Proposed Intervenorors deny the allegations in Paragraph 82.

26 83. Paragraph 83 contains mere characterizations, legal contentions, and conclusions
27 to which no response is required. To the extent a response is required, Proposed Intervenorors deny
28

1 the allegations.

2 84. Paragraph 84 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required. To the extent a response is required, Proposed Intervenor deny
4 the allegations.

5 85. Paragraph 85 contains mere characterizations, legal contentions, and conclusions
6 to which no response is required. To the extent a response is required, Proposed Intervenor deny
7 the allegations.

8 86. Proposed Intervenor admit the allegations in Paragraph 86.

9 **CAUSES OF ACTION**

10 **COUNT I**

11 **Violation of 3 U.S.C. § 1, 2 U.S.C. § 7, 2 U.S.C. § 1;**
12 **Elections Clause (U.S. Const. art. I § 4, cl. 1); Electors Clause (U.S. Const. art. II, § 1, cl. 4);**
Supremacy Clause (U.S. Const. art VI, §2)

13 87. Proposed Intervenor incorporate by reference all of their responses in the
14 preceding and ensuing paragraphs as if fully set forth herein.

15 88. Paragraph 88 contains mere characterizations, legal contentions, and conclusions
16 to which no response is required.

17 89. Paragraph 89 contains mere characterizations, legal contentions, and conclusions
18 to which no response is required.

19 90. Paragraph 90 contains mere characterizations, legal contentions, and conclusions
20 to which no response is required.

21 91. Paragraph 91 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required.

23 92. Paragraph 92 contains mere characterizations, legal contentions, and conclusions
24 to which no response is required.

25 93. Paragraph 93 contains mere characterizations, legal contentions, and conclusions
26 to which no response is required.

27 94. Paragraph 94 contains mere characterizations, legal contentions, and conclusions
28

1 to which no response is required.

2 95. Paragraph 95 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required.

4 96. Paragraph 96 contains mere characterizations, legal contentions, and conclusions
5 to which no response is required.

6 97. Paragraph 97 contains mere characterizations, legal contentions, and conclusions
7 to which no response is required.

8 98. Paragraph 98 contains mere characterizations, legal contentions, and conclusions
9 to which no response is required. To the extent a response is required, Proposed Intervenor deny
10 the allegations.

11 99. Proposed Intervenor admit the allegations in Paragraph 99.

12 100. Proposed Intervenor are without sufficient information or knowledge with which
13 to form a belief as to the truth or falsity of the allegations contained in Paragraph 100.

14 101. Proposed Intervenor deny the allegations in Paragraph 101.

15 102. Paragraph 102 contains mere characterizations, legal contentions, and conclusions
16 to which no response is required. To the extent a response is required, Proposed Intervenor deny
17 the allegations.

18 103. Paragraph 103 contains mere characterizations, legal contentions, and conclusions
19 to which no response is required. To the extent a response is required, Proposed Intervenor deny
20 the allegations.

21 104. Paragraph 104 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required. To the extent a response is required, Proposed Intervenor deny
23 the allegations.

24 105. Paragraph 105 contains mere characterizations, legal contentions, and conclusions
25 to which no response is required. To the extent a response is required, Proposed Intervenor deny
26 the allegations.

27 106. Paragraph 106 contains mere characterizations, legal contentions, and conclusions
28

1 to which no response is required. To the extent a response is required, Proposed Intervenor deny
2 the allegations.

3 **COUNT II**

4 **Violation of the Equal Protection Clause (42 U.S.C. § 1983)**

5 107. Proposed Intervenor incorporate by reference all of their responses in the
6 preceding and ensuing paragraphs as if fully set forth herein.

7 108. Paragraph 108 contains mere characterizations, legal contentions, and conclusions
8 to which no response is required.

9 109. Paragraph 109 contains mere characterizations, legal contentions, and conclusions
10 to which no response is required. To the extent a response is required, Proposed Intervenor deny
11 the allegations.

12 110. Paragraph 110 contains mere characterizations, legal contentions, and conclusions
13 to which no response is required.

14 111. Paragraph 111 contains mere characterizations, legal contentions, and conclusions
15 to which no response is required.

16 112. Paragraph 112 contains mere characterizations, legal contentions, and conclusions
17 to which no response is required. To the extent a response is required, Proposed Intervenor deny
18 the allegations.

19 113. Proposed Intervenor admit the allegations in Paragraph 113.

20 114. Proposed Intervenor admit the polling place figures in Paragraph 114. The
21 remaining allegations are mere characterizations, legal contentions, and conclusions to which no
22 response is required.

23 115. Proposed Intervenor admit that Section 12(2)(b) of Assembly Bill 4 requires
24 Washoe County to establish 25 vote centers on election day, and that the figures in Paragraph
25 115 are accurate for election day.

26 116. Proposed Intervenor admit the vote center figures in Paragraph 116. The
27 remaining allegations are mere characterizations, legal contentions, and conclusions to which no
28

1 response is required.

2 117. Paragraph 117 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required. To the extent a response is required, Proposed Intervenor deny
4 the allegations.

5 118. Paragraph 118 contains mere characterizations, legal contentions, and conclusions
6 to which no response is required. To the extent a response is required, Proposed Intervenor deny
7 the allegations.

8 119. Paragraph 119 contains mere characterizations, legal contentions, and conclusions
9 to which no response is required. To the extent a response is required, Proposed Intervenor deny
10 the allegations.

11 120. Paragraph 120 contains mere characterizations, legal contentions, and conclusions
12 to which no response is required. To the extent a response is required, Proposed Intervenor deny
13 the allegations.

14 121. Paragraph 121 contains mere characterizations, legal contentions, and conclusions
15 to which no response is required. To the extent a response is required, Proposed Intervenor deny
16 the allegations.

17 **COUNT III**

18 **Violation of the Equal Protection Clause (42 U.S.C. § 1983)**

19 122. Proposed Intervenor incorporate by reference all of their responses in the
20 preceding and ensuing paragraphs as if fully set forth herein.

21 123. Paragraph 123 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required.

23 124. Paragraph 124 contains mere characterizations, legal contentions, and conclusions
24 to which no response is required.

25 125. Paragraph 125 contains mere characterizations, legal contentions, and conclusions
26 to which no response is required.

27 126. Paragraph 126 contains mere characterizations, legal contentions, and conclusions
28

1 to which no response is required.

2 127. Paragraph 127 contains mere characterizations, legal contentions, and conclusions
3 to which no response is required. To the extent a response is required, Proposed Intervenor deny
4 the allegations.

5 128. Paragraph 128 contains mere characterizations, legal contentions, and conclusions
6 to which no response is required. To the extent a response is required, Proposed Intervenor deny
7 the allegations.

8 129. Paragraph 129 contains mere characterizations, legal contentions, and conclusions
9 to which no response is required. To the extent a response is required, Proposed Intervenor deny
10 the allegations.

11 130. Paragraph 130 contains mere characterizations, legal contentions, and conclusions
12 to which no response is required.

13 131. Paragraph 131 contains mere characterizations, legal contentions, and conclusions
14 to which no response is required.

15 132. Paragraph 132 contains mere characterizations, legal contentions, and conclusions
16 to which no response is required. To the extent a response is required, Proposed Intervenor deny
17 the allegations.

18 133. Paragraph 133 contains mere characterizations, legal contentions, and conclusions
19 to which no response is required. To the extent a response is required, Proposed Intervenor deny
20 the allegations.

21 134. Paragraph 134 contains mere characterizations, legal contentions, and conclusions
22 to which no response is required. To the extent a response is required, Proposed Intervenor deny
23 the allegations.

24 135. Paragraph 135 contains mere characterizations, legal contentions, and conclusions
25 to which no response is required. To the extent a response is required, Proposed Intervenor deny
26 the allegations.

COUNT IV

Violation of the Equal Protection Clause (42 U.S.C. § 1983)

136. Proposed Intervenor incorporate by reference all of their responses in the preceding and ensuing paragraphs as if fully set forth herein.

137. Paragraph 137 contains mere characterizations, legal contentions, and conclusions to which no response is required.

138. Paragraph 138 contains mere characterizations, legal contentions, and conclusions to which no response is required.

139. Paragraph 139 contains mere characterizations, legal contentions, and conclusions to which no response is required.

140. Paragraph 140 contains mere characterizations, legal contentions, and conclusions to which no response is required.

141. Paragraph 141 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

142. Paragraph 142 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

143. Paragraph 143 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

144. Paragraph 144 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

145. Paragraph 145 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

146. Paragraph 146 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

147. Paragraph 147 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

COUNT V

Violation of the Right to Vote (42 U.S.C. § 1983)

148. Proposed Intervenor's incorporate by reference all of their responses in the preceding and ensuing paragraphs as if fully set forth herein.

149. Paragraph 149 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor's deny the allegations.

150. Paragraph 150 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

151. Paragraph 151 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

152. Paragraph 152 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

153. Paragraph 153 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor's deny the allegations.

154. Paragraph 154 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny

1 the allegations.

2 **AFFIRMATIVE DEFENSES**

3 Proposed Intervenor set forth their affirmative defenses without assuming the burden of
4 proving any fact, issue, or element of a cause of action where such burden properly belongs to
5 Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that
6 any particular issue or subject matter is relevant to the allegations in the Complaint. Proposed
7 Intervenor reserve the right to amend or supplement their affirmative defenses as additional
8 facts concerning defenses become known.

9 Proposed Intervenor allege as follows:

10 Plaintiffs fail to state a claim on which relief can be granted.

11 Plaintiffs have unclean hands and are otherwise equitably estopped from seeking the
12 requested relief.

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PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenors respectfully requests that this Court:

- A. Deny that Plaintiffs are entitled to any relief;
- B. Dismiss the complaint in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and proper.

DATED this 7th day of August 2020

**WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP**

By: /s/ Bradley Schrager

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**Pro hac vice applications forthcoming*